

EXHIBIT 3

**RFAs that ask about public agencies'
duties to the Plaintiffs**

**RFAs in this Sub-Category
31, 74, 79, 90-92**

REQUEST FOR ADMISSION NO. 31:

Prior to September 18, 2012, the FDA had the authority to inspect, regulate, and, if need be, shut down NECC.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

Plaintiffs object to the extent that this RFA requires Plaintiffs to admit to a legal conclusion which is not a permissible use of Rule 36 RFAs. *See e.g., Iantosca v. Benistar Admin Servs., Inc.*, Case No. 08-11785, 2012 U.S. Dist. LEXIS 7896 (D. Mass. 2012); *In re Tobkin*, 578 Fed. Appx. 962 (11th Cir. 2014).

REQUEST FOR ADMISSION NO. 74:

Prior to September 18, 2012, the FDA had the authority to inspect Analytical Research Laboratories to ensure it was engaged in safe, proper testing of medications.

RESPONSE TO REQUEST FOR ADMISSION NO. 74:

Plaintiffs object to the extent that this RFA requires Plaintiffs to admit to a legal conclusion which is not a permissible use of Rule 36 RFAs. *See e.g., Iantosca v. Benistar Admin Servs., Inc.*, Case No. 08-11785, 2012 U.S. Dist. LEXIS 7896 (D. Mass. 2012); *In re Tobkin*, 578 Fed. Appx. 962 (11th Cir. 2014).

REQUEST FOR ADMISSION NO. 79:

Prior to September 18, 2012, the Mass. BoP had the authority to inspect, regulate, and, if need be, summarily close NECC.

RESPONSE TO REQUEST FOR ADMISSION NO. 79:

Plaintiffs object to the extent that this RFA requires Plaintiffs to admit to a legal conclusion which is not a permissible use of Rule 36 RFAs. *See e.g., Iantosca v. Benistar Admin Servs., Inc.*, Case No. 08-11785, 2012 U.S. Dist. LEXIS 7896 (D. Mass. 2012); *In re Tobkin*, 578 Fed. Appx. 962 (11th Cir. 2014).

Plaintiffs further object in that the term “summarily close” is vague.

REQUEST FOR ADMISSION NO. 90:

Prior to September 18, 2012, the DEA had the authority to inspect, regulate, and, if need be, revoke NECC's "practitioner" registration.

RESPONSE TO REQUEST FOR ADMISSION NO. 90:

Plaintiffs object to the extent that this RFA requires Plaintiffs to admit to a legal conclusion which is not a permissible use of Rule 36 RFAs. *See e.g., Iantosca v. Benistar Admin Servs., Inc.*, Case No. 08-11785, 2012 U.S. Dist. LEXIS 7896 (D. Mass. 2012); *In re Tobkin*, 578 Fed. Appx. 962 (11th Cir. 2014).

REQUEST FOR ADMISSION NO. 91:

Prior to September 18, 2012, the Tennessee Board of Pharmacy had the authority to inspect, regulate, and, if need be, revoke NECC's Tennessee license.

RESPONSE TO REQUEST FOR ADMISSION NO. 91:

Plaintiffs object to the extent that this RFA requires Plaintiffs to admit to a legal conclusion which is not a permissible use of Rule 36 RFAs. *See e.g., Iantosca v. Benistar Admin Servs., Inc.*, Case No. 08-11785, 2012 U.S. Dist. LEXIS 7896 (D. Mass. 2012); *In re Tobkin*, 578 Fed. Appx. 962 (11th Cir. 2014).

REQUEST FOR ADMISSION NO. 92:

Prior to September 18, 2012, every state that issued a license to NECC had the authority to inspect, regulate, and, if need be, publicly revoke NECC's license.

RESPONSE TO REQUEST FOR ADMISSION NO. 92:

Plaintiffs object to the extent that this RFA requires Plaintiffs to admit to a legal conclusion which is not a permissible use of Rule 36 RFAs. *See e.g., Iantosca v. Benistar Admin Servs., Inc.*, Case No. 08-11785, 2012 U.S. Dist. LEXIS 7896 (D. Mass. 2012); *In re Tobkin*, 578 Fed. Appx. 962 (11th Cir. 2014).